

II. REMARKS

A. Status of the Claims

Claims 1-59 were pending in the case at the time of the Restriction Requirement. Claims 52-59 have been canceled without prejudice or disclaimer as being drawn to a non-elected invention. Claims 29-30 have been canceled without prejudice or disclaimer as being substantially duplicative of claims 6 and 7. Claim 2 has been amended to recite OH as an option for R₉, and claim 7 has been amended to include "aminopenciclovir." Support for these amendments can be found generally throughout the specification, such as in Figs. 18-21 and 27, page 12, lines 20-22, and Example 4 at p. 48, line 10 through p. 49, line 26. No new claims are added. Claims 3-5, 8-28, and 34 have been withdrawn from consideration as being drawn to a non-elected invention. Therefore, claims 1, 2, 6, 7, 31-33, and 35-51 are currently under consideration.

B. Response to Restriction Requirement

In response to the restriction requirement which the Examiner imposed, Applicant elects, without traverse, to prosecute claims 1-51, *i.e.*, the Group I claims.

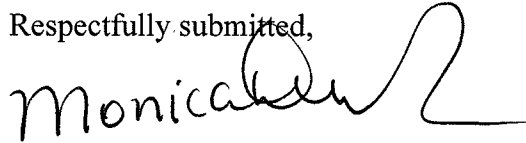
In the Restriction Requirement, the Examiner indicates that Applicants are required to elect a single species related to the ligands R₉ and R₁₀. Applicants herein elect R₉ = OH and R₁₀ = aminopenciclovir, X and Y are bonds (m and n are zero). More particularly, the elected species is 9-[4-aminoethylenedicystein-3-(hydroxymethyl)butyl]guanine (see attached as Exhibit A) chelated to M as set forth in claim 2.

Claims 1, 2, 6, 7, 31-33, and 35-51 are readable upon the elected species. Claims 3-5, 8-28, and 34 have been withdrawn from consideration as being drawn to a non-elected invention. Applicants understand that upon the allowance of a generic claim, Applicants will be entitled to

consideration of claims to additional species which depend from or otherwise require all of the limitations of an allowable generic claim as provided by 37 C.F.R. § 1.141.

The Examiner is invited to contact the undersigned attorney at (512) 536-5639 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Monica A. De La Paz", with a stylized flourish at the end.

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EXHIBIT A

EC-Guan

9-[4-aminoethylenedicystein-3-(hydroxymethyl)butyl] guanine

